

Did Roman government work?

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The Greek historian Polybius explained the success of the Romans in conquering the Mediterranean not simply by their military superiority but by their superior form of government. But was Roman government that good? Catherine Steel investigates.

How to analyse the Roman *res publica*

What kind of a state was Rome after its kings were dethroned and before emperors took control? We know the period 509–27 B.C. as the ‘Roman Republic’, but it was only under the emperors that the phrase *res publica*, and thus ‘Republic’, became associated with a particular form of (non-monarchic) government. In the republican period itself, the phrase *res publica* (literally ‘the public thing’) simply meant an organized political community, in which power could potentially be distributed in many different ways.

When the Greek historian Polybius, writing at Rome in the mid-second century B.C., tried to understand how Rome worked and the nature of its *res publica*, he analysed it as an example of the mixed constitution. The ‘mixture’ referred to the presence of all three basic types of constitutional form, as categorized by the fourth-century B.C. philosopher Aristotle, which differed in the number of people who made decisions. If all citizens made the decisions, the state was a democracy; if a subset of the (best) citizens, it was an aristocracy; if one man, a monarchy. In the view of Polybius and others, at Rome the power of the two consuls, the chief magistrates, was monarchical in nature; its Senate, composed of magistrates and former magistrates, was the aristocratic element; the citizen body as a whole exercised some powers and formed the democratic part of the mix.

This framework was adopted most influentially by Cicero as the basis for his account of Rome’s government, *De Re Publica*; for conservative thinkers, like Cicero, the mixed constitution was an attractive model because it justified differentiated participation in public life on the basis of wealth. Every citizen had some role to play, but some functions could only

be carried out by a limited group of citizens.

The consuls, Senate, and people were not differentiated in any consistent fashion in terms of what they could do. Modern analysis of government into ‘executive’, ‘judicial’, and ‘legislative’ branches does not really fit Rome, even though its originator, the eighteenth-century French political theorist Montesquieu, turned constantly to republican Rome in his writings. Instead, the different elements had overlapping powers. In terms of ‘legislative’ power, the people alone could vote laws into existence; but they could only vote in an assembly summoned by a magistrate, and decrees of the Senate acquired the force of law provided they were not vetoed by the tribunes of the plebs. In terms of ‘judicial’ power, the people could judge the most serious trials, those involving the penalty of loss of citizenship; but from the second century B.C. onwards such cases were increasingly heard in standing courts, presided over by a magistrate, with jurors made up of senators or other wealthy men.

The complexity of these arrangements was increased by the lack of a written constitution. Although statute law was written and could be consulted, and the Senate kept minutes, there was nowhere a definitive statement of how the different decision-making groups within the state had to interact.

We do not know enough about the early history of Rome to understand how this system came about; Polybius is our earliest surviving source to look systematically at the question, and he seems to be writing about the system as he experienced it in the mid-second century, rather than the late-third century during the second war against Carthage. But from what we can see of its operation, the possibility for conflict between the elements is evident.

Individual magistrates could fall out with the Senate: in 91 B.C., for example,

the consul Philippus is said to have called for a new Senate since he could not govern the state with the one he had. But most of the time such conflicts are hidden by our lack of knowledge about the detailed working of the Senate; it was composed, after all, of those who had held magistracies, and while some individuals will have benefited more than others from what the Senate could grant, in general the interests of Senate and magistrates were similar. In addition, the most powerful magistrates, the consuls and praetors, tended to be absent from Rome during their year in office in command of the Republic’s armies. But major disputes arose between the Senate and magistrates on the one hand and the people as a whole.

Conflict between the people and the wealthy élite

Those active in public life who supported the people’s rights were described as *popularis*, ‘on the people’s side’, and over the last century of the Republic a distinct *popularis* programme developed. Some elements of it were concerned with ensuring fairer distribution of the profits of empire: laws offering land allotments to poorer citizens, and subsidizing living costs through cheap wheat, were repeatedly put forward. Other *popularis* moves asserted the people’s control over the state, through direct intervention in foreign policy (usually an area handled by the Senate) and judicial oversight of the behaviour of magistrates. These moves were almost always proposed by tribunes of the plebs, but were themselves vulnerable to the peculiar nature of that office.

Originally – it seems – created by the plebeians to protect themselves against the arbitrary power of the patricians, to whom control of the state passed when the kings were expelled, it relied heavily on its capacity to halt action through use of a veto. But there were ten tribunes each year, and nothing, it seemed, prevented one tribune from vetoing the action of another. After the plebeians had gained political equality with the patricians in the early Republic the tribunate became part of plebeian political careers, a useful year spent acquiring popularity and votes. So it

proved easy enough for those who opposed any increase in the power of the people, and consequent reduction in the power of the Senate, to find tribunes of the plebs to work against *popularis* measures. As a result, a tension developed between different ways in which the people expressed their will. Was the decisive moment the electoral vote? Or could the powers bestowed by elections be rescinded by a subsequent display of popular feeling? Insofar as the latter view prevailed, asserting control of public space, by violence if necessary, became an important political technique.

Roman conservatism

The Romans liked to assert the unchanging nature of their public life; they behaved as their ancestors had, whose customs – *mos maiorum* – guided present behaviour. In addition, the mixed constitution itself was regarded as stable, because the balance between different elements was thought to reduce the likelihood of violent constitutional upheavals.

Polybius located stability in the mutual dependency and fear of each element for the others; thus politicians depended on popular favour to secure election, and magistrates needed the Senate's support to get resources for their military campaigns. Cicero emphasized instead harmony between the different groups and their unity of purpose (what he called *concordia ordinum* – the concord of the orders), an attractive vision which left an important space for oratory and civilian leadership – areas in which Cicero was personally strong – but left him without robust conceptual tools when facing actual crisis. In practice, however, the Roman constitution was constantly changing and developing.

Sulla's reforms

A very important set of changes was imposed by Sulla, who held the dictatorship – the position of supreme executive power, though in theory limited in duration – in the late 80s B.C. after he captured Rome in a civil war. Sulla severely restricted the power of the tribunes and reduced the role of the people, whose contribution now was just to elect magistrates. The Senate grew very substantially in size; and consuls and praetors now spent their term of office in Rome, with army commands increasingly held only by proconsuls and propraeors in the years after they had been magistrates.

Sulla's changes are often seen as an attempt to strengthen the Senate, and certainly he very much reduced the power of the people, which was the alternative locus of power. But in practice the Sullan Senate never seems to have worked very

effectively. Its size – well over 400, and perhaps as large as 600 – was probably a hindrance in plenary discussion. It lacked experience, as few ex-consuls and ex-praetors had survived the wars that preceded Sulla's dictatorship and the extensive executions he authorized among his enemies. And the Senate was regarded as deeply corrupt.

How the system stopped working

Corruption was not a new phenomenon at Rome, but grew markedly once tribunes were in no position to apply any judicial oversight and seems to have been one factor in popular agitation for the restoration of the powers of the people. This was complete by 70 B.C., and tribunes thereafter regularly took up positions in opposition to the Senate. In addition, a new dynamic emerged between Senate and magistrates, now the latter spent their period of office in Rome; debates within the Senate seem to have become much more contentious as consuls, praetors, and consuls-designate all struggled for influence. The Senate became prone to blockages, when a single issue dominated debate and prevented other questions from being raised, and solutions could not be agreed. Thus in the early months of 61 the Senate was pre-occupied with sacrilege at a religious ceremony the previous winter; in 56 the restoration of the king of Egypt was the major focus; and from 51 onwards, what to do about Caesar and his military command in Gaul was a recurrent topic of debate. Failure to agree a solution to that problem led directly to the outbreak of civil war in 49, which concluded with Caesar's dictatorship and the effective end of the Republic.

Various legislative attempts were made to mitigate these weaknesses, culminating in Pompey's reforms in 52, when, as a result of terrifying violence following the murder of the ex-tribune Clodius, the Senate abandoned centuries of enforced power-sharing and agreed to the installation of Pompey as sole consul, illogical though that position might appear. Interestingly, some of Pompey's measures – particularly those which decisively separated civilian leadership in Rome from the administration of empire – were revived by Augustus. But it turned out to be too little and too late for the Republic. Sulla, probably unwittingly, had imposed on Rome a system which did not simply reallocate power, but weakened power and decision-making altogether.

Polybius thought the nature of the Roman *res publica* was worth analysing because its form explained why the Romans were militarily so successful. But he also acknowledged that constitutional change was inevitable in political communities, and that the stability of a mixed

constitution could only slow down, not prevent, such change. Political change at Rome was seldom peaceful: both Sulla and Augustus could reorganize the *res publica* because they had won a civil war. But understanding how Roman government did, and did not work, helps us to understand the occasions when civil dissension could not be contained within the mechanisms of the *res publica*.

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